

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:08-CV-00041-RLV
(5:03-CR-00004-RLV-8)

RODERICK LAMAR WILLIAMS,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

ORDER

THIS MATTER is before the Court on Petitioner's pro se motion for production of transcripts from his criminal trial at government expense. (Doc. No. 85).

On January 5, 2006, Petitioner was convicted by a jury in the Western District of multiple counts of conspiracy to possess with intent to distribute cocaine and cocaine base, and aiding and abetting the same; and two counts of possession of a firearm during and in relation to a drug trafficking while aiding and abetting the same. Petitioner was sentenced to a total term of life imprisonment plus 360 months and Petitioner's criminal judgment was affirmed on appeal.

United States v. Williams, 225 F. App'x 151 (4th Cir. 2007) (unpublished). The Supreme Court of the United States denied a petition for a writ of certiorari. Williams v. United States, 550 U.S. 978 (2007).

On October 29, 2012, this Court denied Petitioner's motion to vacate, set aside or correct sentence, filed pursuant to 28 U.S.C. § 2255, and declined to issue a certificate of appealability. See (5:08-CV-00041, Doc. No. 76). The Court next denied Petitioner's motion to alter or amend judgment and again declined to issue a certificate of appealability. (Doc. No. 81). Petitioner

appealed to the Fourth Circuit and that appeal is still pending.

Petitioner, through this present motion, seeks transcripts from what appears to be nearly every hearing from his criminal proceeding, and in support, Petitioner cites to specific grounds for relief that he raised in his pro se Section 2255 motion. Petitioner contends that these transcripts will assist him in preparing his request for the issuance of a certificate of appealability from the Fourth Circuit. (Doc. No. 85). The Court is authorized to order that these transcripts be provided to Petitioner:

Under 28 U.S.C. § 753(f), an indigent defendant is entitled to have the government pay the fees for a copy of his transcript in a 2255 proceeding only if he demonstrates that his suit is not frivolous and that the transcript is needed to decide the issue presented in the suit.

Sistrunk v. United States, 992 F.2d 258, 259 (10th Cir. 1993).

This Court has considered Petitioner's request and finds that he fails to offer sufficient, and therefore, suitable reasons to demonstrate why the production of these transcripts will further assist him in arguing claims for relief that he has pressed before this Court through his initial Section 2255, as amended, and in his motion to alter or amend the Court's Order denying and dismissing his Section 2255 motion. For the foregoing reasons, Petitioner's motion for production of transcripts is DENIED.

IT IS, THEREFORE, ORDERED that Petitioner's Motion for Production of Transcripts is **DENIED**. (Doc. No. 85).

Signed: April 25, 2013



Richard L. Voorhees
United States District Judge

